

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 8/3/2004
Substantial issue: 9/10/2004
Staff: PE/LB
Staff Report: 12/16/2004
Hearing Date: 1/12-14/2005
Commission Action:



STAFF REPORT:
APPEAL - DE NOVO

APPEAL NUMBER: A-5-VEN-04-315

APPLICANT: St. Joseph Center

AGENTS: Marc Danziger, Michael Davitt, Charlene Dekker, Ron Hirsch, Susan McCabe, Brady McShane, George Mhlstein, Rhonda Meister, Michael Nytzen, Charles Oltman, Jose Palacios, Eric Strecker, Kathleen Truman, Cara Vallier, Rick Zbur

PROJECT LOCATION: 204 Hampton Drive, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of an 11,000 square foot school building/community service center (St. Joseph Center), and construction of a new two-story, 41-foot high, 30,000 square foot school building/community service center as an expansion to an existing church Campus (St. Clement) for the provision of non-profit community services to indigents (e.g. child care, counseling, computer and small business classes, culinary training, food distribution and referral services). Project includes up to 1500 cubic yards of cut, export of material that proves unsuitable for fill (up to 1500 cubic yards), on-site recompaction, demolition of parking lots, export of up to 280 cubic yards of asphalt and import of up to 800 yards of fill, if necessary.

SUMMARY OF STAFF RECOMMENDATION:

The St. Joseph Center is one of four buildings on the 12-acre Campus of St. Clement Catholic Church ("Campus"). The Campus contains 17 lots that are clustered into six parcels (Exhibits 6 and 7) owned by two branches of the Archdiocese of Los Angeles. St. Joseph Center is located on one five-lot parcel. Staff is recommending approval with special conditions that require the owners of each structure on the Campus to manage the uses on each site consistent with the amount of parking found on the entire Campus. Similarly, the agency of the Archdiocese that owns each parking lot would be required to continue to serve all facilities on the Campus. Further, to assure that parking demand remains consistent with that provided to the Commission in this application; staff recommends a special condition requiring that any change in use or enlargement of any of the structures would require an amendment to this CDP. Finally, consistent with the City's requirement for a resurvey of the parking situation, the Commission requires the applicant provide the Executive Director with copies of the two reports (and City's final action) concerning post-occupancy re-examination of conditions in the neighborhood and operation of the project and compliance with the City conditions of approval with regard to parking. If the study indicates that parking lot utilization due to the project is greater than

anticipated, the applicant shall apply for an amendment to this permit. The staff recommends that the applicants of this and related permit 5-04-446 record a deed restriction on each parcel on the Campus indicating that the conditions of this permit shall apply as long as the development subject to this permit remains in place. Other recommended conditions address changes of use, future development, special events, landscaping, the provision of final plans, water quality, and geologic stability. The staff recommends that the Commission require that its conditions necessary to bring the project into conformance with the Coastal Act supersede local government conditions, but other local government conditions unrelated to this action will remain.

Two of the parking lots that are integral to this project are located in the City of Santa Monica. In related coastal development permit 5-04-446 the Archdiocese of Los Angeles has requested permission for the resurfacing and reconfiguration of these two lots, which supply part of the parking necessary for this project. Because these two parking lots (3007 Second Street, the lower lot and 3114 Third St., the church lot) are located in Santa Monica, the reconfiguration of parking lots that is part of the proposal to rebuild the St. Joseph Center was not authorized in the City of Los Angeles coastal development permit, and therefore is not subject to the present appeal to the Commission. Instead, the applicant sought approval from the City of Santa Monica for the necessary work on the parking lots, while agreeing to parking lot management conditions imposed by the City of Los Angeles. The staff is recommending approval of application 5-04-446 with special conditions regarding parking and the parking lots that are identical to those recommended below to be imposed on this permit.

LOCAL APPROVALS RECEIVED:

City of Los Angeles Case number APCW 2003-3304-SPE-CU-CDP-ZAD-SPP: On June 22, 2004, the Los Angeles City Council adopted the findings of the West Los Angeles Planning Commission and approved, subject to changes in conditions, the West Los Angeles Planning Commission's action of February 18, 2004, in which it:

1. Denied a Specific Plan Exception request for 41 feet in height as requested and, alternatively,
2. Approved a Specific Plan Exception for stepped back construction up to 41 feet in height, subject to conditions.
3. Approved a Specific Plan Exception for consolidation of five lots subject to conditions.
4. Approved Conditional Use Permits for child care nursery and expansion of an existing church, St. Clement to include counseling and referral services subject to the attached conditions, church classrooms and training services within a new 30,000 square foot building.
5. Denied a determination to permit a reduced 12 feet 6 inch front yard setback in lieu of the required front yard of 15 feet under section 12.09-B 1 (RD1. Zoning) and;

- Approved a determination to permit a reduced 10 foot rear yard setback in lieu of the required rear yard of 15 feet under section 12.09-B, 3
6. Approved a Coastal Development Permit, to permit the proposed project subject to conditions
7. Approved a Zoning Administrator's Determination to permit shared parking with existing church parking and public parking subject to the attached conditions.
8. Approved a Specific Plan Project Permit Compliance review to allow the construction use and maintenance of a new two-story church non-profit center and childcare subject to the attached conditions.
9. Adopted a Mitigated Negative Declaration No. ENV-2003-3305-MND.
10. Advised the applicant that pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
11. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game fee and or certificate of fee exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing..

PROCEDURAL NOTE

Section 30600(b) of the Coastal Act allows local governments to issue coastal development permits in their jurisdiction before certification of a local coastal program. The City of Los Angeles has undertaken to do this. The local government permit option requires that all coastal development permits issued by the local government are appealable by any person within 20 working days of receipt of a notice of final action on the local permit in the Commission offices. This matter is before the Coastal Commission because it was appealed. Although in a limited area, all applicants must seek a second coastal development permit from the Commission; this project does not require a second coastal development permit because it is located outside the area in which a dual permit is required¹. On September 10, 2004 the Commission found substantial issue with a timely and valid appeal, assuming jurisdiction over the coastal development permit. In this case, in addition to a coastal development permit addressing development in the Coastal Zone, there are other local actions that are not affected by the Commission's assumption of jurisdiction over the coastal development permit.

On February 18, 2004, West Los Angeles Area Planning Commission (WLAAPC) of the City of Los Angeles heard this coastal development permit in a hearing that was combined with hearings on applications for other sorts of approvals, based on other procedures, also

¹ Development subject to this "dual permit" rule is defined in Section 30601 of the Coastal Act and includes all development located between the first public road and the sea, development within 300 feet of the beach, or of the mean high tide line where there is no beach, within 300 feet of the top of the seaward face of a coastal bluff, within 100 feet of a stream or wetland, or development located on tidelands, submerged lands or public trust lands.

required under the Municipal Code. The other actions included a Specific Plan Project Compliance Review, a Specific Plan Exception, a Conditional Use Permit, a Shared Parking Permit, and a Mitigated Negative Declaration. All matters were combined, resulting in one list of conditions. The WLAAPC imposed only one condition on the coastal development permit (Condition 32), which stated that “any changes to the project as permitted by Condition No. 4 and any portions of the project not detailed herein shall comply with the applicable provisions of the Venice Local Coastal Program Land Use Plan.”² The Conditional Use Permit allowed the operation of a nursery school, community center and training services (cooking school) in a residential zone. The Specific Plan Exception allowed an exception to the height and bulk standards found in the Specific Plan (which has not been considered or certified by the Commission). After the WLAAPC heard and approved the requests, the action on the combined matter, including the Specific Plan Exception and the Conditional Use Permit were appealed to the City Council. The conditions and mitigation measures the City of Los Angeles imposed in its other actions on APCW 2003-3304-SPE-CU-CDP-ZAD-SPP, unless addressing coastal development and addressed in the Commission’s findings and conditions are not conditions of the coastal development permit.

Based on the City Charter, the only actions in the combined permit that may be appealed to the City Council are the Specific Plan Exception and the Conditional Use Permit. On June 22, 2004, the City Council acted on the appeals. The City Council adopted the WLAAPC’s findings; changed twelve conditions imposed by the WLAAPC on the Conditional Use Permit, and denied the appeal of the Specific Plan Exception. The other actions, including the Coastal Development Permit, the Shared Parking Permit, the Specific Plan Project Permit and the Environmental Review (Mitigated Negative Declaration) could not be appealed to the City Council. After the City Council acted, the City notified the Commission of the final action on the coastal development permit and transmitted the package to the Commission offices. .

The coastal development permit was appealed to the Coastal Commission. On September 10, 2004, the Commission found the appeal to raise a substantial issue as to conformity of the City’s approval of the coastal development permit with the policies in Chapter 3 of the Coastal Act. This action “wiped out” the locally issued coastal development permit. It did not remove or invalidate conditions imposed on the Conditional Use Permit, which addresses potential conflicts between the community center and nearby residential and commercial uses or the other City actions, including the Specific Plan Exception the Shared Parking Plan, the Specific Plan Compliance or approval of the Mitigated Negative Declaration. Unless changed by the Commission’s actions on the Coastal Development Permit, which addresses the consistency of the proposed development with the Chapter 3 policies of the Coastal Act, the related City actions and requirements remain in effect. Special Condition 1 addresses this issue.

² Condition No. 4 states: Plan. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked exhibit “A” except as may be revised as a result of this action. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code and the intent of the subject permit authorization, and if the applicant is unable to obtain approvals from the City of Santa Monica for any improvements to the parking lot areas located within the City of Santa Monica.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. City of Los Angeles Specific Plan for Venice, Ordinance No. 172,897, 12/22/99.
3. City of Los Angeles Local Coastal Development Permit No. APCW2003-3304.
4. City of Los Angeles Mitigated Negative Declaration No. ENV-200-3305-MND.
5. California Coastal Commission, Regional Interpretive Guidelines, 2/25/80.
6. Crain & Associates Assoc., "Existing and future parking demand analysis St Joseph Center Expansion," December 12, 2003
7. Crain & Associates, "Existing and Future Parking Demand analysis St Joseph Center Expansion," April 18, 2003
8. Memorandum to Dave Kabashima, Department of City Planning, City of Los Angeles from Esther Tam, Transportation Engineer, Department of Transportation, City of Los Angeles, "Shared Parking Analysis of the St. Joseph Community Center, 12/16/2003.
9. 5-92-285 (Salvation Army, Redondo Beach); CDP 02-020 (City of Los Angeles, Venice Library); 5-85-099 (Jonathan Club); 5-02-099/ A-5-PPL-02-162 (Bel Air Bay Club); A-5-RPV-93-005 (Ocean Trails) as amended; 5-03-143(Palisades Urban Ventures); A-378-78 (Headlands, Palisades Highlands), City of Huntington Beach, LCP amendment 3-94 (shared downtown parking); 5-91-325A1(Community Corporation of Santa Monica); City of Hermosa Beach LUPA -03-1.
10. State of California, Division of Mines and Geology, "Seismic Hazard Zones, "Venice Quadrangle, official map released March 12, 1999
11. Gregory K. Mitchell, and John A. Seminara, Southern California Geotechnical, Project No. 02F288-1, "Geotechnical Investigation, Proposed St. Joseph Center, 204 Hampton Drive, Venice, (Los Angeles), California, October 28, 2002.
12. City of Santa Monica, Architectural Review Board, ARB-04-ARB-530 Reconfiguration and Landscaping two parking lots located at 3007 Second Street and 3114 Third Street, Santa Monica

STAFF RECOMMENDATION:

MOTION 1: ***I move that the Commission approve Coastal Development Permit No A-5-VEN-04-315 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Relationship to Conditions and Mitigation Measures Imposed by the Cities of Los Angeles and Santa Monica

A. In the event of conflict between the conditions imposed by the Cities of Los Angeles, Santa Monica and the Commission, the terms and Conditions imposed by the Commission shall prevail. Pursuant to this, **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall prepare and submit a

written comparison of the Coastal Commission's Conditions with the conditions imposed by both cities, subject to the review and approval of the Executive Director.

B. Nothing in this action is intended to nor does change any action taken by the local government except as explicitly stated herein. Thus,

- (1) Except as explicitly modified by the terms of this coastal development permit, all conditions imposed on the development by the City Council of the City of Los Angeles in connection with its action on Case number APCW 2003-3304-SPE-CU-CDP-ZAD-SPP, and any and all mitigation measures imposed in connection with Mitigated Negative Declaration No. ENV-2003-3305-MND as approved by the City of Los Angeles on June 22, 2004, remain binding and enforceable by the City to the extent they would have been had the Coastal Commission not found the appeal to raise a substantial issue.
- (2) Except as explicitly modified by the terms of this coastal development permit, all conditions imposed on the development by the City of Santa Monica, Architectural Review Board, in connection with its approval of the reconfiguration and landscaping of the parking lots located at 3007 Second Street and 3114 Third Street (ARB-04-ARB-530) remain binding and enforceable by the City to the extent they would have been had the Coastal Commission not acted on coastal development permit 5-04-446.

C. Revisions to the above-described local approvals shall be reported to the Executive Director of the Commission before the revision is implemented to determine whether such revisions constitute a change to the project as approved by the Commission. The Executive Director shall determine whether the proposed change is consistent with these coastal development permits. If the change is inconsistent with either of coastal development permits A-5-VEN-04-315 or 5-04-446, the Executive Director shall determine whether an amendment to one or both of these coastal development permits is required and also whether an amendment request can be accepted according to the requirements of Section 13166 of the California Code of Regulations.

2. Right to Use Parking Lots.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, THE APPLICANT SHALL SUBMIT FOR THE REVIEW AND APPROVAL OF THE EXECUTIVE DIRECTOR evidence that the owners/operators of the St. Joseph's Center have the right to use the parking spaces on each lot identified on the Campus parking study submitted by Crain & Associates dated December 12, 2003, including the two spaces located in the rectory, the lower lot at 3007 Second Street, the upper lot /church lot at 3114 Third Street and the St. Joseph Center lot on Third Street behind the St. Joseph Center. For purposes of the Commission action the "Campus" includes all lots identified on Exhibits 6 and 7 of this report. The evidence

shall demonstrate that the owners, employees, occupants, students and visitors to the structures identified as Convent/Catholic Charities, the St. Joseph's Center, the St. Clement Rectory, and St. Clement Church may use all parking spaces on each lot. The evidence shall also include the legal description of each parcel and each legal lot on the 12-acre Campus, including the lots occupied by each of the structures listed in this condition, and by each parking lot listed above. The applicant shall also provide proof of ownership of each of the legal lots on the Campus and either evidence of an easement over all parking lots or a written agreement authorizing use of all parking lots the owners, employees, occupants, students and visitors to the structures identified as Convent/Catholic Charities, the St. Joseph's Center, the St. Clement Rectory, and St. Clement Church. If written agreements are provided, the applicant shall provide evidence that the signatory is authorized to enter into an agreement on behalf of the legal owner.

B. The permittee shall undertake development in accordance with the approved final agreements. Any proposed changes to the approved final agreements shall be reported to the Executive Director. No changes to the approved final agreements shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Monitoring use of parking

A. By acceptance of this permit, the applicant agrees to provide the Executive Director with copies of the two reports submitted to the City of Los Angeles pursuant to Condition 8 of the City's Case number APCW 2003-3304-SPE-CU-CDP-ZAD-SPP, and the City's review of both reports within 15 days of receipt of the City's review. If the Executive Director determines that parking demand, as shown in the report exceeds that anticipated in the Crain & Associates report of December 12, 2003, the applicant shall apply for an amendment to this permit.

4. Parking Management Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a parking management plan for the management of its work schedules, hours of operation, and of all 134 parking spaces on Campus as shown in Exhibit 66 and outlined in the parking analysis found in the Crain & Associates report of December 12, 2003 as amended by the applicant's revised plan of December 15, 2004 (Exhibit 66). The applicants and owners of each use or structure on the Campus shall share the parking pursuant to Special Condition 1, above, and shall manage the development/activities on the 12-acre site such that all parking generated by daily and weekly activities described in this application, including Saturday and Sunday activities, can be accommodated within the 134 spaces in the parking lots identified Exhibit 66. Methods of management shall include validation for the use of the spaces in the lower lot by owners, employees, occupants, students and visitors to

the structures identified as Convent/Catholic Charities, the St. Joseph's Center, the St. Clement Rectory, and St. Clement Church, and designation of no fewer than 10 drop off/short term spaces in the various lots.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. No Change of Use

This project is approved as a non-profit service center affiliated with the church, rectory and Catholic Charities offices (former convent) on the same Campus, proposed for specific, limited charitable uses: counseling, instruction, operation of a nursery school and the distribution of food, as described in the City of Los Angeles approval APCW 2003-3304-SPE-CU-CDP-ZAD-SPP. Any change in use shall be reported to the Executive Director to determine whether an amendment to this permit or a new permit is required. If the Executive Director determines that an amendment to this permit is necessary, the change may not be undertaken until the Commission approves a permit amendment, or new permit.

6. Water Quality.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

(1) Water Quality Goals

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- (b) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site;
- (c) Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th

percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;

(2) Runoff controls.

- (a) Runoff from all roofs and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. Vegetated landscaped areas shall only consist of plants that are not invasive as defined by the Santa Monica Mountains chapter of the California Native Plant Society as described in Special Condition 11. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.
- (b) At minimum this must include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals, hydrocarbons), sediments, and floatables and particulate debris.
- (c) The applicant shall regularly sweep the parking lot at a minimum on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.
- (d) Consistent with Condition 15 of the Conditional Use Permit, the applicant shall clean up the public rights-of-way within one block of the center once per day when the center is open to clients. Debris and other materials shall not be disposed of in the storm drain system.
- (e) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used;
- (f) The applicant shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.
- (g) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.

- (h) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
- (i) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.

(3) Cooking school, food pantry, trash and other materials.

The applicant shall install grease traps and debris control to reduce runoff and other discharges from the cooking school and food distribution. As part of this the applicant shall provide a plan for managing waste from the kitchen and food distribution areas that shall include:

- (a) Covering waste
 - (b) Recycle/compost plant waste
 - (c) Grease traps shall not discharge to the sewer
 - (d) Instruct trainees on water quality issues.
 - (e) Avoid use of toxic substances that are persistent in the water supply to control pests
 - (f) Interior and exterior wash down areas shall not discharge to the storm drain, or parking lot.
 - (g) All containers shall be designed to resist scavenging animals.
- (4) The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Demolition, Grading, Drainage, and Erosion and Siltation Control Plan: During Construction

A. PRIOR TO ISSUANCE OF THE PERMIT, THE APPLICANT SHALL PROVIDE PLANS FOR THE REVIEW AND APPROVAL OF THE EXECUTIVE DIRECTOR

for control of the discharge of waste sediments, debris, dusts and pollutants during demolition of the existing structure and site preparation for the review and approval of the Executive Director. The plans shall include the following information:

- 1) Property limits, prior-to-grading contours, and details of terrain and area drainage.
- 2) Location of all staging and stockpiling areas;
- 3) Measures to control dust and debris during demolition

- 4) Locations and cross sections of all proposed retaining structures and temporary and permanent cut-and-fill slopes, that will result in an alteration to existing site topography (identify benches, surface/subsurface drainage, etc.);
- 5) Area (square feet) and volume (cubic yards) of all grading (identify cut, fill, import, export volumes separately), and the locations where sediment will be stockpiled or disposed of.
- 6) Elevation of finish contours to be achieved by the grading, and related construction.
- 7) A drainage plan
- 8) A grading schedule.
- 9) Proposed erosion and sediment prevention and control BMPs, both structural and non-structural, for implementation during construction. These plans shall be prepared by a professional engineer and shall be designed to minimize discharge of sediments, debris and pollutants from the construction site.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. Staging Areas for Construction

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will preserve recreational access to the beach and minimize disruption of coastal access corridors and Venice pedestrian routes.

- (1) The plan shall demonstrate that:
 - (a) Construction equipment or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition
- (2) The plan shall include, at a minimum, the following components:
 - (a) A site plan that depicts:
 - (b) limits of the staging area(s)
 - (c) construction corridor(s)
 - (d) construction site
 - (e) location of construction fencing and temporary job trailers

- (f) location of stockpiles
- (3) Required permits and authorization, which shall include:
 - (a) Authority for Use of Staging Area
 - (b) Written documentation from the owner of the staging area site that the permittee is authorized to use the site, as conditioned by the Coastal Commission, for the period the project is under construction and needed to complete post construction restoration work.
 - (c) Permission from applicable local government, and a copy of all conditions imposed by the local government.
- (4) The applicant shall not use coastal access routes as haul routes on weekends between the weekend before Memorial Day and Labor Day or on any other holiday. Rose Avenue, Lincoln Boulevard, and Main St. are considered coastal access routes.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. Special Events

A. PRIOR TO ISSUANCE OF THE PERMIT, THE APPLICANT SHALL SUBMIT FOR THE REVIEW AND APPROVAL OF THE EXECUTIVE DIRECTOR a plan for management of parking and access during special events. Special events are events outside the list of activities included in the applicant's shared parking plan (Crain & Associates, December 2003), are infrequent and that are expected to generate higher than normal use of the parking lots

- (1) The plan shall include:
 - (a) A description of the kind of event and number of expected attendees that should warrant special handling
 - (b) A list of measures that will be taken to reduce (i) local congestion and (ii) impacts to beach access of any such event. Such measures may include valet parking, identification of remote parking site and the use of jitneys to pick up and deliver attendees.
- (2) Pursuant to these requirements:
 - (a) No daytime event on summer weekends or holidays, including Labor Day and Memorial Day may use the Santa Monica State Beach lots for remote or valet parking.
 - (b) No event that requires parking management may take place on the Fourth of July, Memorial Day or Labor Day weekends.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. Conformance of Design and Construction Plans to Geotechnical Report.

A. Prior to issuance of the coastal development permit the applicant shall submit final design and construction plans, including foundations, grading and drainage plans. All final design and construction plans, shall be consistent with all recommendations contained in the preliminary Geologic Investigation prepared by Gregory K. Mitchell, and John A. Seminara, Southern California Geotechnical, Project No. 02F288-1, "Geotechnical Investigation, Proposed St. Joseph Center, 204 Hampton Drive, Venice, (Los Angeles), California, October, 28, 2002. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, written evidence that:

- (1) The Grading Division of the City of Los Angeles Department of Building and Safety and the City of Santa Monica Department of Building and Safety or its consultant have each reviewed and approved all final reports and design, grading and construction plans; and
- (2) that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

B. Any significant changes in design from that described in the above mentioned reports shall be reported to the Executive Director to determine whether an amendment to this permit is required.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

11. Final Landscaping Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The landscaping plan shall conform with the following requirements: (a) With the exception of plants located in vegetated swales or other runoff collection areas, all plants shall be low water use plants as defined by the University of California Cooperative Extension and the California Department

of Water Resources in their joint publication: "*Guide to estimating irrigation water needs of landscape plantings in California*". (b) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species as identified on the California Native Plant Society publication "California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains*, January 20, 1992 " and/or by the California Exotic Pest Council. (c) Use of California native plants indigenous to the Santa Monica Mountains is encouraged. (d) All required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. 2. The plan shall include, at a minimum, the following components:

- (1) A map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features,
- (2) A list of proposed species including the common and scientific name.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

12. Future Development Restriction

A. This permit is only for the development described in coastal development permit No. A-5-VEN-04-315. Pursuant to Title 14 California Code of Regulations section 13250, the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by coastal development permit No. A-5-VEN-04-315. Accordingly, any future improvements to the community center authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. A-5-VEN-04-315 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

13. Revised Final Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, final plans for the St. Joseph Center consistent with the above conditions, and otherwise consistent with the plans dated June 2, 2004 by DMJM submitted to the Commission offices, and final plans for the parking lots consistent with the above conditions and otherwise consistent with the plans dated October 5, 2004 by

DMJM, approved by the City of Santa Monica, and with Exhibit 66. The plans shall include scales and dimensions of all exterior walls, including the length of each, measurements of height and of setbacks, and legible counts of all parking spaces.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

14. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants and landowners of each lot in the church campus (Campus) shall submit to the Executive Director for review and approval documentation demonstrating that the applicant(s)/ landowner(s) have executed and recorded a deed restriction against the all legal lots located on the Campus, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject properties, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project and Area Description

The applicant proposes to demolish an 10,674 square foot parish school building now used as a community center to construct a 41-foot high, 29,086 square foot institutional building for the provision of non-profit community services to indigents (e.g. childcare, counseling, classes, culinary training, and referral services) on an existing church campus and to reconfigure 136 shared and private parking spaces on that Campus to provide a total of 134 spaces. The building is proposed for specific, limited charitable uses: parish offices and classrooms, counseling, instruction and a nursery school and the distribution of food, all regarded in the City of Los Angeles as an expansion to an existing church. The

project includes improvements to a parking lot on the same church/school campus. The applicant also proposes to continue to provide public parking in a parking lot at 3007 Second Street, Santa Monica (lower lot), (either by offering parking for a fee to the general public, or by leasing spaces periodically to offsite uses) subject to availability. The improvements to the parking lots were considered by the City of Los Angeles in evaluating the expanded community center, but since two of the parking lots are located in the City of Santa Monica, reconfiguring those two parking lots requires initial review from the City of Santa Monica and a coastal development permit from the Commission. The Coastal Commission will consider the related coastal development permit for re-landscaping and reconfiguring the parking lots (5-04-446 (Archdiocese of Los Angeles)) when it considers the present permit for demolition and rebuilding the community center.

The project is located on a church campus that is located both in the Ocean Park District of City of Santa Monica and in the Oakwood Planning Area of Venice (Campus). The Campus includes 17 lots bounded on the north by Marine St., on the west by Second Street/Hampton Drive³, on the east by Third St. and on the south by private development (See Exhibits 3, 4 and 5). The eight lots in the City of Los Angeles are located along Hampton Drive, and on the southwest side of Third Street. The St. Joseph Center structure and a former convent are owned by a nonprofit agency of the Archdiocese of Los Angeles, the Archdiocese of Los Angeles Education and Welfare Corporation; the "Third Street parking lot" with 17 parking spaces and a small shrine, is owned by the Archdiocese of Los Angeles (Exhibits 6 and 7). The adjacent nine lots (three parcels) in the City of Santa Monica⁴ are owned by the Archdiocese of Los Angeles and are occupied by the church, the rectory, and most of the parking, currently 86 spaces, 58 of which are in a large lot at 3007 Second Street. The Archdiocese Education and Welfare Corporation and the "Archdiocese" are legally distinct entities, with different management. Both are entities within the Los Angeles Archdiocese. An official of the Archdiocese signed the City application for this development. The 10,674 sq. ft. building that is to be demolished extends over five lots and fronts Hampton Drive. The existing building, originally built as a parish school, is currently used for the operation of the St. Joseph Center Food Pantry and Counseling Services as well as offices and meeting rooms which are used by both the church and the St. Joseph Center. In addition to parking lots, other existing uses in the Campus include St. Cement Catholic Church, the St. Clement rectory, and a convent, which is now used to house the Catholic Charities offices (Exhibit 4).

Two of the three parking lots on the Campus are located in the City of Santa Monica and are subject to the related application, 5-04-446. The lots are zoned OP2, which is a medium density residential zone, which allows community centers, churches and "underground parking" as a conditional use, although it would not allow a commercial parking lot that is unrelated to a permitted use. The parking lots are currently developed and used as a parking lot for the uses on the Campus. The owner, the Archdiocese of Los Angeles also leases 58 spaces of the lot at 3007 Second Street, Santa Monica to an

³ The same street is called Hampton Drive in Venice and Second Street in Santa Monica.

⁴ The 9 lots in Santa Monica include a parcel for the rectory, parcel 11 accomplished by a lot split of two underlying lots. The Commission, by noting this lot, has not investigated the creation of this parcel 11 or concurred that this is a legally created lot.

operator who manages the lot for commercial parking. The current proposal includes reconfiguring the existing parking lots on the property to increase efficiency, reconfiguring and re-landscaping the “lower lot”, the lot located at 2007 Second from 58 to 72 spaces; enlarging an existing lot and driveway adjacent to St. Clement Church (located at 3114 Third Street Santa Monica) from 28 spaces to 34 spaces; and reconfiguring a 24-space lot located between St. Joseph Center and Third Street that is located in Los Angeles to accommodate 25 spaces. Changes include removal of one curb cut now located on Marine Street (Santa Monica), removal of a driveway that connects the upper and lower lots and removal of the 23 parking spaces that are located in the proposed building footprint. After reconfiguration, the total number of spaces on the Campus will decrease to from 136 to 134 spaces, but the new parking plan will accommodate six drop-off spaces adjacent to the center, four drop-off spaces in the lower lot and two spaces in the rectory garage.⁵

The building is proposed as a two-level “E” shaped structure built around a central courtyard, with two levels built above existing finished grade, and a small basement under the northern wing. The structure extends over 232 feet along Hampton Drive, but the Hampton Drive side of the structure is broken up into three wings and a courtyard. The wings extend to within 15 feet of Hampton Drive. The eastern side of the structure will face the upper parking lots and internal circulation. A 78-foot wide courtyard separates the north and middle wings. The section of the “rear wing” that abuts the courtyard is set back about 71 feet from the street. However the second story extends closer to the street over each of the other wings: Over the north wing, the second story is set back 25 feet from the street and over the middle and south wings, the second story is set back 45 feet from the street. Exterior walkways are cantilevered over the courtyard and a staircase is routed into the courtyard. The wings (legs of the E) that extend toward the street do not extend over more than two 50-foot wide lots. The Hampton Drive face of the northernmost wing is 70 feet wide, the Hampton Drive face of the middle wing is 33 feet wide and the Hampton Drive face of the south, nursery school, wing is 42 feet wide. The site slopes approximately 30 feet from Hampton Drive to the eastern property line, creating a 10.5 foot grade differential from the curb to the existing building pad. Because of the slope, the courtyard and building entrances will be located ten feet above street level and accessed by staircases.

To reduce the visual impact of the structure, the City required the courtyard to be sited adjacent to Hampton, rather than in the interior of the project and also required a 15 foot front yard setback for the first story, required the second story to be set back ten feet behind the first story and required offsets and changes in color along the façade adjacent to Hampton Drive. The roof parapet is planned to extend 41 feet above Hampton Drive, but this is a result of the grade of the site: the bulk of the building is 25’ 4” above average

⁵ The applicant has provided several different counts of the parking spaces at 3007 Second Street – the survey showed 57 spaces and the parking study shoed 58 spaces. At a site visit on December 9, 2004, staff counted 58 marked spaces on the lot at 3007 Second Street. A booth occupied one of the spaces, and a second space was occupied by the attendant’s car. However two cars were parked at the ends of rows outside marked spaces.

finished grade; the parapet extends 30.5 feet above the level of the finished floor, which is about 11 feet above Hampton Drive.

B. Public Access and Recreation

The project is located three blocks, about a quarter of a mile, inland of Venice Beach and a block and a half (a tenth of a mile) inland of Main Street Santa Monica, a busy restaurant and shopping area. Main Street is two and a half blocks inland of Santa Monica State Beach. The expanded structure will use a parking lot that St. Joseph Center now shares with St. Clement Church and other uses presently located on the Campus. Because there has historically been a surplus of parking on the site, the Archdiocese has leased 58 spaces on the lower lot, (Marine and Second Street) part of the parking lot that this community center will use, for operation as paid public parking (Crain & Associates, April 2003).

The project is located in an area where cumulative parking deficits could reduce public beach parking. In this densely developed area, streets and parking lots two to four blocks from the beach are used for beach parking by individuals who wish to avoid the fees at nearby public lots which include: the Rose Avenue lot on Venice Beach (289 spaces), four City of Santa Monica-operated lots west of Main St. and east of Nielsen Way (a total of 330 spaces), and the South Lot at Santa Monica State Beach (871 spaces). Because the Main Street commercial area includes many older storefronts that do not provide their own on-site parking, many visitors to Main Street use either these public lots or the St. Joseph Center lower lot.

Coastal Act Section 30210 provides for maximum access; Section 30211 provides that existing access must be protected; and Section 30252 requires development to provide adequate parking facilities or substitute means of serving the development with public transportation.

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (Amended by Ch. 1075, Stats. 1978.)

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within

the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed project would increase the square footage of the St. Joseph Center from 10,674 square feet to 29,086 square feet. There are currently 136 parking spaces on the Campus to serve the church, the rectory, the St. Joseph Center and Catholic Charities. One hundred thirty-four are spread between surface parking lots; two are located in the rectory garage. The 58 space "lower lot," located in the City of Santa Monica, is operated as a commercial lot. The parking lots do not now appear to be managed for all the services on the Campus. The applicant proposes to reconfigure and manage the on-site parking areas to serve the employees and clients of the expanded center but proposes to reduce the total number of parking spaces. The project will increase parking in the lot at 3007 Second Street; the St. Joseph Center will expand over 23 parking spaces at the rear of its present building, and the lots at 3114 Third Street and the Third Street Venice lot. The Crain & Associates parking study initially indicated that the total number of parking spaces on the Campus would increase to 146 spaces after the applicant reconfigured all the lots. However Santa Monica required landscaping, which reduced the number of spaces to 141. After internal evaluation, the applicant discovered that its plan for reconfiguration of the Third Street parking lots impacted amenities important to members of the St. Clement Church, which include a shrine to the Virgin of Guadalupe in the Third Street behind the St. Joseph Center and a gazebo and grotto at the rear of the rectory in the lot at 3114 Third Street. As now revised, the applicant indicates that it will have 134 spaces on the Campus after reconfiguration, a number that includes the two spaces in the rectory garage.

St. Joseph Center/St. Clement Church Parking Summary

Existing

1.	Lower Public Lot 3007 Second Street	58 Spaces
2.	Parking Lot Adjoining St. Joseph Center	23 Spaces
3.	Third Street Venice lot Rear of St. Joseph Center	24 Spaces
4.	Parking Lots Adjoining Rectory and Church: 3114 Third Street	28 Spaces
5.	Rectory Garage	2 Spaces
Total		136 Spaces

Proposed Parking.

	Lower Public Lot 3007 Second St.	72 Spaces (including 4 drop-off spaces for St. Joseph Center)
	Third Street Venice lot Rear of St. Joseph Center.	25 Spaces (including 6 drop-off spaces for St. Joseph Center)
	Reconfigured Parking Lot Adjoining Rectory and Church: 3114 Third Street.	34 Spaces
	Rectory Garage	2 Spaces
Total		134 Spaces

Shared Parking. The applicant has provided a parking study indicating that at the level of use currently proposed, there will be no need for significant additional parking. The two biggest parking generators on the site are the St. Joseph Center and St. Clement Church. The study indicates that the two uses can share parking because the peak demands of St. Clement Church and St. Joseph Center occur at different times. St. Clement Church has a high demand on Sundays and on Friday evenings but not during the week, and the Center is not open on weekends.⁶ Catholic Charities is open on Saturday, and generates very little traffic or need for parking during the week (about 8 spaces). The study concludes that the St. Joseph's Center can share parking with the church with no conflict, and there is adequate parking on the Campus to serve both uses.

Overlapping uses within St. Joseph's Center. The study goes on to consider the demand of the various uses that are proposed to operate out of the expanded St. Joseph Center and concludes that if the present uses continue, there will be ample parking during working hours, leaving 8 spaces for St. Clement Church, 8 spaces for Catholic Charities and 51 spaces for leasing in the lower lot. The conclusion is based on counts of the parking spaces that are normally occupied during the workweek by employees and program participants both on and off the site. The study projects that even with the planned increases in the number of counselors (10) and the enrollment of the nursery school there will be ample parking on the Campus. The study is based on an assumption that many workers will still be at the site on a part-time basis (Exhibit 10). Based on this assumption, and the high use of public transit by employees and program participants, the applicant's study indicates that the demand for parking will be lower than would be expected from a commercial office building of a comparable size.

The applicant's study shows that as projected, there will be 51 surplus spaces on the site even at peak times, which it estimates at midday on Tuesdays and Wednesdays, most specifically 2:00 PM on Wednesdays. (Exhibit 10, pp13-16). The study estimates that at

⁶ See Crain & Associates, December 12, 2003 Exhibit 10.

peak time, the maximum parking demand for the expanded St. Joseph Center would increase from a maximum 42 spaces to approximately 74 spaces, leaving 60 spaces on the Campus unoccupied, based on the revised lot configuration. This peak demand would occur at 2:00 PM on Wednesdays. The study presumes that about 56 vehicles from the public will park in the 72-space lot at 3007 Second Street, which will have 69 long-term spaces and 4 short-term spaces for drop-off use. At 1:00-2:00 PM Wednesdays about three public users of the pay lot could be displaced.

The study suggests that the low parking demand derives from 1) the staggered work schedules of the professional staff at St. Joseph Center 2) the commuting pattern of some staff and of the program participants of the St. Joseph Center and Catholic Charities, a large percentage of whom use transit, bicycle or walk. (See Exhibit, 10, excerpts from Crain & Associates study.) Based on this study, the applicant asserts that any increased parking demand for the new structure can be accommodated and the enlargement of the Center will not have any impacts on beach support parking. The argument is based on an assumption that the church building will continue to be operated as a church and that the community service center will continue to be linked to the church, will serve a local clientele, (or one that uses transit even if they are not local) and will operate consistent with its current pattern of use, with staggered and part-time staff schedules.

The City of Los Angeles approved the project with the parking plan, but required a resurvey after occupancy, and required that only the lower lot could be leased. The City of Los Angeles Zoning Administrator's Determination approving the parking plan concluded that because of the different times of peak demands of the various uses sharing the lot, there would be adequate parking even with the expanded structure. The City approval of the Shared Parking Plan (SPP) includes 1) a review from the City of Los Angeles' Department of Public Works (Exhibit 9) and 2) a Zoning Administrator's Determination approving a Shared Parking Plan (SPP Exhibit 63). In doing so it imposed condition numbers 8 (assessment for changed conditions after occupancy), 11 (hours of operation), 12 (limitations on use/occupancy), 18 (parking/circulation management, including provision of drop-off areas), 33, 34, 35 and 36, operation of shared parking:

8. In order to provide for reexamination in six months (for parking review only) and one year of the matter in light of any changed conditions in the neighborhood or operation of the project and in order to evaluate the effectiveness of and compliance with the conditions of approval regarding the operations and physical improvements of the facility, the applicant/operator or owner shall file for an Approval of Plans. Said application must be filed with the Zoning Administrator no later than six months and one year after the issuance of a certificate of occupancy but not sooner than five months and nine months, respectively, from that time. The application shall be accompanied by the payment of appropriate fees, as governed by Section 19.01-1 of the Los Angeles Municipal Code, and must be accepted as complete by the Planning Department public counter. The completed application shall be accompanied by tenant/owner notice labels for 500-foot radius and include the individuals on the interested parties list related to the subject authorization for the purpose of a public hearing. The applicant/owner shall provide appropriate documentation to substantiate ongoing compliance with each of the conditions contained herein, including a shared parking study in accordance to Section 12.24-X, 20, of the Los Angeles Municipal Code, at

the time of filing the Approval of Plans review application. Conditions may be added or modified as appropriate.

Shared Parking

33. The applicant and parties operating the shared parking facility shall submit written evidence in a form satisfactory to the Office of Zoning Administration which describes the specific nature of the uses, hours of operation, parking requirements, and the allocation of parking spaces, and which demonstrates that the required parking for each use, including leased parking, will be available taking into account their hours of operation. This information shall be provided for the uses on the entire church site.

34. Reserved or otherwise restricted spaces shall not be shared. No spaces shall be reserved for any particular user, including lease parking spaces. The entire 146⁷ parking spaces must be made available to all of the uses, except that leased parking (as set out below) may be confined to the lower parking lot.

35. Leased parking spaces shall be limited to the lower parking lot located along Hampton Drive. Prior to the issuance of a Certificate of Occupancy, a parking operations plan shall be submitted to the Zoning Administrator for review and approval. The parking operations plan shall ensure that the needs of all on-site users are adequately met before making spaces available for public use. The Zoning Administrator may require the recommendation of Department of Transportation prior to approval. A shared parking survey and analysis shall be provided with any plan approval application and shall be reviewed by the Department of Transportation prior to submission.

36. Prior to the issuance of any permits, additional documents, covenants, deed restrictions, or other agreements shall be executed and recorded as may be deemed necessary by the Zoning Administrator, in order to assure the continued maintenance and operation of the shared spaces, under the terms and conditions set forth in the original shared parking arrangement. Any changes to the participating uses or hours (includes portions within the City of Santa Monica) shall require a plan approval application and a public hearing. (City of Los Angeles approval APCW 2003-3304-SPE-CU-CDP-ZAD-SPP.)

Since the approval of the Conditional Use Permit (CUP) and Shared Parking Plan (SPP) were reported to the Commission along with the coastal development permit, but are in fact independent of the coastal development permit process, the Commission's assumption of jurisdiction over the underlying coastal development permit did not automatically eliminate the special conditions imposed in these actions. Local government can continue to enforce the conditions adopted as part of the CUP and SPP independent of the Commission. Special Condition 1 of this permit addresses the relationship between the City's actions and the Coastal Development Permit.

Opponents contend that the project will have impacts on public shoreline access because 1) the project provides no on-site parking for the enlarged structure, 2) the parking is on a separate legal lot from the building, that is owned by a different legal entity, so that it is not sufficiently protected in event the building is sold, 3) the shared parking is not presently sufficient for all uses sharing it; 4) the assumption that the offices will not be fully occupied

⁷ 146 is the number of spaces prior to review by the City of Santa Monica and internal review by St. Clement Parish and Diocesan authorities.

on a normal 8-5 business schedule is wrong; and 5) once there are more offices, workers will work more hours on the site. Opponents further contend that the lower lot is currently leased for parking by beach goers, customers of commercial uses, a nearby religious school and local residents and if the new building occupies more of this parking, the loss of this parking supply may have adverse impacts on coastal access and local businesses. Opponents also argue that the parking study does not take into account parking demand from special events such as weddings and funerals, which are not confined to Sundays. The opponents have provided an alternative schedule of parking lot demand based on different assumptions concerning the amount of use of parking on the part of visitors, program participants and guests. These estimates support the opponent's conclusion that the applicants study and the City's shared parking plan is inaccurate (Exhibits 14 and 15).

The applicant is planning to decrease the parking supply by two spaces but asserts that with better management, more spaces will be available when necessary. The 58-space lot at 3007 Second Street and both Third Street lots are owned by the Archdiocese of Los Angeles, which is a different entity from the Archdiocese of Los Angeles Education and Welfare Corporation, the entity that owns the St. Joseph Center and the convent. In support of the third contention, the opponents argue that program participants and St. Joseph staff now park on the streets surrounding the facility; the lower lot is full when employees arrive at work, and many program participants park in the streets surrounding the facility. Therefore, they argue, parking counts that confine themselves to the on-site lots understate the current demand. In response, the applicant points out that the parking study surveyed all employees and attempted to count parking use on neighboring streets. The applicant agrees that the lower lot is leased and operated as a public commercial lot, but contends that the parking study supports its view that the leasing can continue. However the City-approved Shared Parking Plan requires the applicant to demonstrate that the parking needs of the enlarged center are accommodated after occupancy (See conditions 8 and 35 above.) With respect to special events, the applicant indicates that the City CUP specifically limits the number of after-hours special events that can take place (Conditions 11 and 12 CUP, Exhibit 63.) The Commission notes, however, that the St. Clement Church, with its schedule of weddings and funerals, is not part of this application that the church was constructed in 1950, and has presumably been holding weddings and funerals since that year.

The Commission has approved shared parking plans, including in Venice, Santa Monica and Marina del Rey, for major developments such as hotels, clubs and golf courses that offer a number of functions on the same site, for businesses in older smaller structures that share one or several central parking facilities, such as the walk-up establishments on Venice Beach⁸. In all instances, the Commission based its approval on studies of the demands of the proposed uses on site. The major criterion to approve such a plan has been whether the applicant could demonstrate that the peak attendance of each use sharing the parking occurred at different times, and that there be no significant adverse impacts to coastal access. In this case, the two biggest traffic generators on the site, the

⁸ Santa Monica Third Street Promenade, downtown Hermosa Beach and down town Huntington Beach, the Jonathan Club, the Bel Air Bay Club, Ocean Trails Golf Course.)

church and the service center, operate at different times -- the church offers Sunday and Friday night Mass; the St. Joseph Center operates from 8:00 AM to 5:PM on weekdays.

The second question raised by the opponents is whether, if the building were sold for another use, there would be enough parking on the site to accommodate the parking generated by the new structure on its own. The result of the applicant's calculations is that even if the use of the structure changed to a commercial office, there would be enough parking on the existing Campus, although there would not be a surplus to lease for a commercial lot. Such calculations depend on the church remaining a church, on the new structure operating at different hours from the church, and on all spaces on the Campus being available for the use of the owner of the proposed structure. The applicant's consultant indicates that based on a cumulative count of the zoning standard for each use proposed in the new structure and the square footage proposed for each use, the combined demand for parking for all the weekday uses proposed on the site is 122 spaces (Exhibit 10). If the uses were to change from the proposed pattern including a part time staggered schedule, a permit amendment would be necessary to assess the parking demand.

Staff also calculated the parking demands of the new structure in several ways. The result of all calculations was that there is enough parking on the Campus to accommodate the new structure even if the low auto use that the consultant found there does not prevail. The Commission notes that by some calculations at least part of the 3007 Second Street would have to be reserved for program participants and employees of the center, or the operations of the new center would need to be revised. All calculations assumed that the present church would not require significant parking during the week.

Figure 1. Comparisons of alternative methods to calculate the parking needs of the St. Joseph Center. All methods show the addition is within the capacity of the church campus						
	South coast guidelines LUP Standards sum of each use	LUP calculating second floor as 23 offices at 1.5 per office space, the 5300 sq. ft. area without partitions as general office.	Gross square footage as office structure 30,000 @ 1/250	Consultant's estimate, new structure reducing spaces for staggered schedules	Consultant's estimate: sum of all uses, with no reduction for overlap.	Parking spaces on church campus after project
Maximum Other Campus uses	16	16	16	16	16	
Total Center	94.	105.5	120	74	122	134
Subtotals						
3 Classrooms	31	31				
Nursery school	7	7				
Cooking school	6	6				
First floor church offices 1/250	7	7				
Second floor counseling offices 1/250 sq ft gross	42.5	53.5				
Garage and storage	1	1				

The opponents are correct in concluding that the applicability of the study in the future depends on the type of use and the hours of operation and the continued travel patterns of

the program participants. They are also correct in indicating that the lower lot could be sold separately because the 17 lots on the Campus are previously subdivided lots. However, the Commission has imposed a special condition that ties the parking spaces on this project to this project, regardless of who will own the lot. (See Special Conditions 3 and 4.) Therefore, the Commission has required in Special Condition 2 that the applicant demonstrate that the operators of each facility on the church Campus have the right to use all the spaces, in Special Condition 3 that the applicant monitor the uses of parking on the Campus, and in Special Condition 4 that the applicant(s)/ owners develop a shared parking plan for all uses and all parking lots on the entire Campus to manage the uses on their site consistent with available parking on the entire Campus. The City's conditions impose similar requirements. Finally, the Commission requires that the applicant to record a deed restriction over all lots on the church Campus memorializing these conditions that will be in force as long as the reconfigured parking lots and the St. Joseph's Center remain. Further, in order to assure that parking demand remains consistent with that provided to the Commission in this action, the Commission has imposed a special condition requiring that any change in use or increase in size of any of the structures on the Campus would require an amendment to the CDP (or a new permit under as development defined in Section 30106 of the Coastal Act.) Furthermore, the Executive Director could not accept such an amendment if it were inconsistent with the Commission's intent in approving the underlying permit, which is to accommodate all parking generated by the six parcels on the site.

Because the surplus is based in part on the current level of staffing, and staggered and part-time work schedules, submitted to the City in the parking study, the Commission has required any proposed change to the CUP or SPP must be reported to the Executive Director to determine whether such changes can be considered a change that triggers an amendment to this permit. The Commission finds that as conditioned the development as conditioned will not impact public parking or existing public beach access and is consistent with the public access policies of the Coastal Act.

C. Scenic and Visual Qualities – Neighborhood Character

The Coastal Act requires development to protect visual resources, community character and special communities. In order to protect community character in Venice, the Commission has limited the height and scale of structures. The City incorporated many of those limitations into the certified the Venice Land Use Plan (LUP), which the Commission certified in on June 14, 2001. The City granted exceptions to two major LUP standards in its approval of the proposed project, finding that with design changes the visual effect of the structure could be mitigated, and that it was inappropriate to apply height and lot combination standards, that are for residential and commercial uses, rigidly to an institutional structure.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states in part:

New development shall: ...

(5) Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The project will not be visible from the beach, is not located in a public view corridor, nor along the canals or a walk street. However, based on Section 30253, the Commission has required development in Venice to modify designs to be compatible with community character. Venice has been addressed as a special community, particularly along the canals and walk streets. The visual quality of Venice includes a pedestrian scale, an eclectic mix of styles of structures, within a pattern of small structures on small lots.

Description of community character. This property is located north of Rose Avenue on the transition area between the older industrial spine of Venice and the residential communities of Oakwood and Ocean Park to the north and the east. The land to the west of Hampton Drive has been long zoned and developed for light industrial uses. After the abandonment of the railroad right-of-way in the nineteen-seventies, many older industrial buildings were demolished or converted to modern commercial, industrial and office uses including film editing, theaters, and cafes. West of Hampton Drive, across from the applicant's site there are, businesses, parking lots, and a temple and a nursery school located in a converted industrial structure that extends over two lots. None of the structures extend over two lots; those located in Venice are predominately one story, although one is two stories, with a decorative archway. On the south end of Hampton, most structures are one story, on the north end, where Hampton transitions to Second Street in Santa Monica, there is a 30-foot high structure. (Hampton Drive is identified as Second Street in Santa Monica.) The Commission recently approved a four level, 42-foot high condominium in Santa Monica that is located directly across Second Street from the St. Joseph lower parking lot. There is a strip of commercial, multi-family and light industrial uses along Rose Avenue to the east of Hampton Drive, while the side streets north of Rose Avenue, and to the north of Third Street, are designated for residential use and developed with two story duplexes and a few older single-family houses and apartment

buildings. There are two-story duplexes directly to the south of the church Campus along both Hampton Drive and Third Street.

The St. Clement/St. Joseph's Center Campus and the lots to the east of it on Third Street are located on the only hill in Venice, a hill that begins a few lots north of Rose Avenue and is an extension of the sandy hills that make up the Ocean Park District of Santa Monica, a medium density residential area. The residential buildings on the hill are built on pads above street level. On the Venice portion of the hill, most of single-family homes and duplexes extend 20-25 feet over the pad, although the pads are as much as five feet over the level of the street. Residential structures on Hampton and Third Streets in this part of Venice do not extend over more than one 50-foot lot. On the commercially and industrially zoned frontage along Rose Avenue, most older commercial and residential structures on the north side of the street are one story and do not as a rule extend over more than one lot; on the south side of the street several industrial structures, an educational institute and a new self storage building extend over three lots or more and are two and even three levels in height. Current uses and zoning are shown in Exhibit 3; a topographic map is shown in Exhibit 4.

LUP standards addressing character and scale. The certified LUP provides standards to assure that new development will be consistent with the character and scale of most Venice neighborhoods.

Height. The LUP establishes that heights as stated will be measured from the centerline of the frontage road. The project is located in the Oakwood neighborhood. With respect to Oakwood, the Venice LUP states:

Height: Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Lateral extent. The LUP policies on both residential and commercial development limit the lateral extent of new structures. The policies addressing the scale of commercial development states:

I. B. Commercial Land Use and Development Standards
Policy I. B. 7. Commercial Development Standards

Lot Consolidation. Two commercial lots may be consolidated, or three with subterranean parking with the following restrictions:

1. Methods for insuring that the structure does not look consolidated (breaks in front wall of ten feet minimum) shall be utilized.
2. Subterranean parking shall be fully depressed with roof at natural grade.

Exception: Lot consolidation of more than two lots shall be permitted for mixed-use projects which conform to the existing scale and character of the surrounding community and provide adequate on-site parking.

Building Separation: A minimum of five feet between commercial and residential buildings (except for mixed-use projects).

There is a similar policy addressing bulk in residential neighborhoods.

I. A. Residential Land Use and Development Standards

• **Policy I. A. 1. Residential Development.**

b. Residential Lot Consolidations. In order to preserve the nature and character of existing residential neighborhoods, lot consolidations shall not be permitted in the Venice Canals and Silver Strand residential neighborhoods. No more than two lots may be consolidated in the Ballona Lagoon West, Ballona Lagoon (Grand Canal) East, Southeast Venice, Milwood, North Venice and Oxford Triangle neighborhoods and on walk streets. Lot consolidations of not more than three lots shall be permitted in the Oakwood and Marina Peninsula residential neighborhoods. Lot consolidations may be permitted only subject to the following limitations:

i. No building or structure shall be constructed on what were more than two contiguous lots prior to lot consolidation with the exception of subterranean development that is entirely below street elevation.

ii. Building facades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots. Such buildings shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street. No increase in the number of units shall result from the lot consolidation.

iii. Front porches, bays and balconies shall be provided to maximize architectural variety.

Description of proposed structure. The structure is proposed as a two-level structure, built on the pad of the structure that is to be demolished. It is to be built around a central courtyard, with two levels built above existing finished grade, and a small basement under the northern wing. The entire structure extends over five 50-foot wide lots. The Campus slopes approximately 30 feet from Hampton Drive to the eastern property line on Third Street, creating a 10.5 foot grade differential from the curb to the existing building pad. Because of the slope, the courtyard and building entrances will be located ten feet above street level and accessed by two staircases. The roof parapet is planned to extend 41 feet above Hampton Drive and 30.5 feet above the level of the finished floor, which is about 11 feet above Hampton Drive. The roof of the building is proposed at 25' 4" above average finished grade. The courtyard is planned on the western (Hampton Drive/Second Street) side of the structure. The proposed building is shaped like an "E", with the longer section at the rear of the lot. The 232 foot-long rear wing of the structure will be set back 78 feet from the Hampton Drive and accommodates a culinary arts school on the ground floor and counseling offices, conference rooms and an open hall on the second level. The ground levels of the north, middle and south wings are set back 15 feet from the Hampton Drive. The south wing, planned to house the nursery school, is 42 feet wide and extends over two

lots. The middle wing, which accommodates a social hall/assembly room is 33 feet wide. The north wing is 60 feet wide and accommodates parish offices and classrooms on the first floor, and program management offices and a reception area on the second floor. The second floor of the north wing is set back twenty-five feet from Hampton Drive. The second floor over the middle and south wings is set back 45 feet from Hampton Drive and accommodates counseling center facilities. A truck delivery entrance from Hampton Drive will serve a basement level that will be located under the northern wing. The basement includes storage and a security office.

Analysis of Visual Impact on Community Character.

The LUP design standards cited above apply to commercial and residential development. The LUP contains no standards for institutional uses, such as the proposed project. However, to reduce the visual impact of the structure, the City required the courtyard to be sited adjacent to the frontage road, Hampton Drive, rather than in the interior of the project and also required the second story to be set back ten feet behind the first story and required offsets and changes in color and texture every twenty feet along the façade. After granting the exceptions to Specific Plan standards that address height, setback and lot combination, the West Los Angeles Planning Commission imposed the following special condition:

The building shall be designed as follows:

- a. The building façade along Hampton Drive shall be designed with visual breaks or Architectural Features, including balconies or terraces, with a change of material or a break in the plane every 20 feet in horizontal length and every 15 feet in vertical length.
- b. The first story of the building shall be limited to a height of 25 feet. The northerly portion of the second story shall be stepped back at least 10 feet behind the front yard set back of the first story and shall be limited to a maximum height of 41 feet. All building heights shall be measured in accordance to Section 9, B of the Specific Plan. The second story portion of building may be located 5 feet closer to the rear property line, resulting in a 10-foot rear setback, in order to compensate for the additional front setback.
- c. The colors utilized for the building materials shall be generally per the drawings submitted to the Area Planning Commission and consistent with the nature of the adjacent residential area. Where brick is used, the color shall be generally red or neutral. Prior to the issuance of any permits a rendering showing the colors of the building shall be submitted to the Council Office for review and the Zoning Administrator for approval.

In considering a permit application before certification of the implementation ordinances of the Local Coastal Program, the standard of review is the consistency of the project with the policies of the Coastal Act. While the Commission has considered the policies of the certified Land Use Plan, the standard of review remains the Coastal Act. In approving the project, the City considered its ordinance, which is the specific plan, and found reasons based on standard City practice to grant exceptions to specific plans, including exception to the height limits of the Venice Specific Plan. The Specific Plan is an adopted ordinance which parallels the Land Use Plan and which the City has intended to submit as part of the LCP. The Specific Plan is not certified. The City based its height exception on the physical characteristics of the site, the location of the development on a hill, and the existence of two taller structures immediately to the west.

With regard to height, the major difficulty in this case is that the development is inconsistent with the Land Use Plan, but neither the Land Use Plan nor the Specific Plan address development on sloping lots. The Land Use Plan and the Specific Plan clearly specify that height in Venice should be measured from the centerline of the road to the highest point on the structure. This height limit parallels the Interpretive Guidelines adopted by the Commission for Venice in 1980. The 1980 guidelines reflected a summary of the Commission's actions applying the Coastal Act to development in Venice up to the date of their adoption. The Commission imposed this measurement of heights during development of the guidelines to make it clear that its intended height limits were not subject to exceptions found in the 1970's Los Angeles Zoning Code that allowed height to be measured from the surface of imported fill, or from the top of a semi-subterranean garage or which exempted partial stories, peaked roofs and "lofts" from height limits. The guidelines specifically adopted for Venice did not address sloping lots because sloping lots are not common in Venice – the hill north of Rose Avenue where the project is located is the only hill in Venice. However the Appendix of the Interpretive Guidelines includes methods of measuring height on hillside lots. These guidelines address hilly lots and allow height to be measured from an existing pad on the lot, or from the natural grade:

1. Measurement shall be from one of the following two grade elevations, depending upon the characteristics of the project site:

a) Grade Elevation 1: -Lot Characteristics:

If the lot is: a) within an existing area, and b) contains an existing graded building pad of sufficient size upon which to construct the proposed structure, then height shall be measured as follows:

Calculation of Height:

Height shall be measured along perpendiculars (plumb lines) from the existing pad elevation (finished grade) to the guideline specified maximum height above grade.

b) Grade Elevation 2 -Lot Characteristics:

If the lot has characteristics other than those described under Grade Elevation #1, above, then height shall be measured as follows:

Calculation of Height:

Height shall be measured along perpendiculars (plumb lines) from the elevation of the natural grade to the guideline specified maximum height above grade. [Plumb lines were at the corners of the building envelope.]

There is an existing graded pad on this site. The parapet of the proposed structure will extend to 30.5 feet above the pad. The LUP for this part of Venice establishes a 25-foot height limit, with a 30-foot height limit for a varied roof. The street side of the second floor of the proposed structure will be set back ten feet from the first floor, so this structure has a varied roofline. Therefore this structure, taking into account the hill, conforms to height limits adopted to protect community character consistent with the Coastal Act. The Commission notes that as designed the height of this structure will not intrude on the cone of vision of pedestrians walking along this street, and is consistent with Coastal Act policies adopted to ensure that new development is compatible with the character and scale of the community.

In North Venice and Oakwood, existing one and two story buildings are found next to older three story apartments, but most of the existing structures occupy only one 30-to 50-foot wide lot. In such neighborhoods, the Commission has consistently heard testimony concerning the small scale of existing development. While Oakwood includes six-unit sixties apartment buildings and at least 20 newer denser apartment buildings that extend over approximately six lots, many existing structures are older one and two story bungalows. In response to concerns about scale and neighborhood character, the certified Venice LUP for Oakwood, Milwood and Southeast Venice allows no more than three adjacent legal lots to be consolidated for residential and commercial development, and requires when the lots are consolidated that there be visual breaks in the façade of the structure.

The LUP policies on both residential and commercial development limit the lateral extent of new structures. There are no policies for institutional uses. The purpose of the policies is to maintain the existing scale and the variation of façades now found along some Venice streets. The proposed building extends across five lots and is 232 feet wide along the frontage street side. To mitigate the impact of the structure on views to and along Hampton Drive, the City required the applicant to reorient the structure so that the courtyard would face Hampton Drive, set it back 15 feet from the street, and landscape the berm on the street side of the structure. In approving the structure, the City relied on an argument that the building is replacing a nonconforming structure with a new structure on the existing footprint. It also found that the LUP standards did not address institutional structures.

The City found:

Lot Consolidation: The proposed new building will replace an existing building on the subject property that now straddles five lots. The new building is proposed to straddle those same five lots and does not change the consolidation of those five lots. The provisions of the specific plan limiting lot consolidation to three lots was intended to preclude large buildings which would have been out of scale with the existing neighborhood. In this case, the property already consists of five consolidated lots, and is surrounded by two- and three-story structures. In addition, the property is opposite from industrially zoned properties and a four- story office building.

Strict application of the Venice Specific Plan would not allow the replacement structure to occupy the same number of lots as the existing structure. Also, dividing the project into two or three pieces located on separate lots would be impractical due to the resulting limitations on the widths of separate buildings, the inefficient use of the site resulting from applicable widths, and separate side yard setbacks. The existing services provided by the applicant would not be able to continue with these restrictions, which, as discussed above, would be inconsistent with the general purpose and intent of the Specific Plan and impose an unnecessary hardship upon the applicant. Since the proposed design of the building achieves the purposes of the Specific Plan by addressing the scale and massing of the building and would include a 15-foot setback from the street, the building is in line with the residential buildings to the south, and will be consistent with all of the surrounding uses. Therefore, the specific plan exception is, consistent with the intent of the Venice Specific Plan.

With regard to the exception based on the replacement of a nonconforming structure, the opponents accurately point out that the certified Venice LUP specifically eliminates that possibility for residential and commercial structures. It states that if there is a non-conforming structure, if more than 50 percent of the structure is demolished, the new or rebuilt structure must be brought into conformance with the standards of the LUP the entire structure must be demolished. The standards for commercial structures in the LUP allow an exception to the standards for lot consolidations:

Exception: Lot consolidation of more than two lots shall be permitted for mixed-use projects which conform to the existing scale and character of the surrounding community and provide adequate on-site parking.

The opponents point out that the predominant pattern of development along Hampton Drive is of one and two story buildings on one and two lots. Representatives of St. Joseph Center indicate that after City-mandated design changes, the façade adjacent to the street would be broken up into three wings around an 78 foot wide courtyard greatly reducing any visual impact from consolidating the lots. These design changes are consistent with the intent of the policies.

The building is now planned to consist of four wings – a north wing, a middle wing, a south wing as well as a fourth wing across the rear of the lot. The Hampton Drive side of the ground floor of the rear wing is either part of the other wings or is located behind the 78-foot deep courtyard. The second story of the building does not extend over the courtyard and is set back 35 feet behind the front walls of the middle and south wings and ten feet behind the front wall of the north wing. These features, the applicant's representatives argue, will reduce the apparent bulk of the new structure from the sidewalk.

In analyzing this proposal, the City noted that this is not a residential or commercial structure. It is an institutional structure, built to serve many people simultaneously. The Commission has approved and the City has granted coastal development permits for institutional structures in the coastal zone of the Los Angeles. These include the Venice Library that extends about half a block, and the Oakwood Community Recreation center, that is also larger than residential structures near it. All of these structures extend over two or more lots. Existing community schools in Oakwood and north Venice, for example, the Broadway school on Lincoln Boulevard and the Westminster School on Abbott Kinney also extend over more than three city lots. Both the City and the Commission recognized in approving the library and the community center that community centers and libraries have legitimate reason to be larger than residential structures. In Venice and in Santa Monica, other churches and schools also appear to extend over more than three lots.

Opponents have voiced concern that approval of this project would set a precedent for over-sized commercial and residential structures. The concern that the Commission or the City cannot distinguish between churches, community centers and private development is not well founded. In many areas of the City, churches, community centers and libraries are typically longer and broader than surrounding structures because these structures are

designed to accommodate a larger number of people at one time than a residence or a storefront. In those areas, scale limits on private residential development are still followed.

The Commission finds that a structure such as this one that serves the public can be distinguished from residential and commercial structures, and approving this exception will not establish a precedent. Finally the purpose of scale limits in Venice, in part, is to preserve the pedestrian experience. The project is consistent with preservation of the pedestrian environment and use of public spaces in Venice because it will be set back from the sidewalk and incorporates landscaping along the street-side berm and in its parking lots. The lateral extent of structure is mitigated because the full width of rear wing of the structure is set well back from the street, reducing its visibility to pedestrians. The landscaping, the staircases and the front wall will be visible to pedestrians. As conditioned, to maintain its site plan as approve, to seek an amendment for any addition and to maintain its uses as proposed, this project is consistent with Sections 30251 and 30253 of the Coastal Act.

D. Safety and Stability of Development

The site is located at the southern end of the Santa Monica dunes, low hills that extend from a few blocks east of Main Street to Seventh Street, from just north of Rose Avenue to Pico Boulevard.

Coastal Act Section 30253 states, in part:

Section 30253 Minimization of adverse impacts

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The applicant has submitted a preliminary geotechnical investigation that indicates that the site is suitable for development. Borings show that the existing structure is constructed on 2-4 foot thick fill pad supported by a basement and retaining wall. The fill appears to be placed on and cut into a slope that rises about 30 feet between Hampton Drive and Third Street. The fill is placed on "alluvial material" (sand and silty sand). The water table is twenty-five feet below the present surface. The preliminary geotechnical investigation indicates that the applicant will have to overexcavate the site and recompact the soils about 4.5 feet below the foundation areas as part of site preparation. Construction will entail removing old fill within and adjacent to the foot prints of the proposed structures, removing all existing foundations, asphalt, uncertified fill material roots, plants, trees and other vegetation from the site. The applicant will have to over-excavate beneath the fill, import replacement fill, and compact the new fill to support the new structures. After this

work is done, the retaining wall would be replaced with a new wall engineered to current standards:

Site Preparation: .As part of demolition operations, all foundations, floor slabs and underground utilities associated with the existing development should be removed in their entirety. The existing asphaltic concrete pavements should be demolished and removed from the site, or pulverized to a maximum 2-inch particle size for later use as structural fill. The soil-exposed area in the western region of the site is covered by a thin layer of topsoil/root material and sparse vegetation. These materials should be stripped and disposed of off-site or in non-structural areas of the property. Undocumented fill and possible fill soils were encountered at most of the boring locations, extending to depths of 2 to 4 feet.

The City of Los Angeles does not allow the foundations and floor slabs of new structures to be supported on undocumented fill soils. Remedial grading should be performed within the proposed building areas, to remove all existing fill soils. The character of the possible fill soils encountered at the boring locations should be evaluated at this time; if they are determined to represent undocumented fill, they should also be removed in their entirety.

In accordance with City of Los Angeles requirements, additional remedial grading should be performed within each of the building areas to provide for a new layer of compacted structural fill, extending to a depth of at least 3 feet below the deepest foundation element, throughout each individual building. Following evaluation of the overexcavated subgrades by the geotechnical engineer, the exposed subgrade soils should be scarified, moisture-conditioned as necessary, and recompacted. (Mitchell and Seminara, 2002)

Other than the need to remove unsuitable material before pouring foundations, the report does not anticipate any further problems with the site. Further calculations submitted by the applicant estimate that it will excavate 4 feet below the foundations and remove the asphalt from the parking lots, which is cracked. The applicant's consultants estimate that they will remove up to 1,500 cubic yards of earth and truck in up to 800 yards of fill, depending on the suitability of the soils actually found on the site. They estimate the quantity of asphalt to be removed at 280 cubic yards. The applicant proposes to confine all staging and stockpiling to the construction site (exhibit). Special Condition 8 requires the applicant to provide final grading and staging plans and Special Condition 10 requires the applicant to provide the final geotechnical reports before the permit issues and to build in conformity with their requirements. If the final reports are not consistent with the preliminary reports, the matter will be reported to the Commission as an amendment. As conditioned, the proposed development is consistent with Section 30253.

E. Marine Resources and Water Quality

The standard of review for development proposed in and adjacent to coastal waters is the Chapter 3 policies of the Coastal Act, including the following water quality policies. Sections 30230, 30231 and 30232 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states, in pertinent part:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.

1. Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction or demolition debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. Best Management Practices will be implemented to ensure that secondary construction-related impacts to biological resources are minimized during construction. Soil erosion can occur naturally, and may be accelerated during grading and construction when the area cover is removed and bare soil is disturbed. Demolition can release dust and fibers, which can filter into coastal waters. In order to reduce these impacts the Commission has imposed special conditions to reduce water quality impacts both during and after construction. Therefore the Commission requires the applicant to provide a plan for management of runoff during construction to assure that construction runoff and storm water run-off is filtered prior to leaving the site. Special Condition No. 5 requires submittal of a Final Runoff and Erosion Control Plan for the review and approval of the Executive Director, and following the approved plan during and after construction. The Commission finds the proposed project, as conditioned, is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

2. Post Construction Impacts to Water Quality

The proposed development would result in the discharge of storm water into the Pacific Ocean via the storm drain resulting in urban runoff entering Santa Monica Bay.

Pollutants such as sediments or toxic substances, such as grease, motor oil, heavy metals, hydrocarbons, pesticides and fertilizers are often contained within urban runoff entering the Bay. In this case, the site drains new buildings; two parking lots totaling 132 spaces, a two-car garage, walkways, landscaped areas, roof areas, and a food preparation area. It serves people, who bring with them trash and litter. In order to reduce pests in food preparation areas, pesticides will be used. Therefore, the primary post-construction water quality concerns associated with the proposed project include sediments, trash and debris, grease, motor oil, heavy metals, hydrocarbons, pesticides and fertilizers. Complaints from the public indicated concern with waste and litter on nearby streets that were blamed on the operations of the center and the behavior of some program participants.

Drainage from the parking areas.

In order to deal with these post construction water quality impacts of the parking lot, the applicant has submitted a Runoff Control Plan for the parking lot prepared by their project engineer. Contaminants such as oil and grease, fertilizers, pesticides, and other toxic chemicals typically accumulate on ground surfaces and are then washed into storm drains and waterways by irrigation or rainfall. In order to reduce the level of contaminants leaving the property, the project has been designed to include a stormwater detention basin and water filtration system. In order to protect water quality impacts associated with parking lot runoff, the BMPs implemented must be designed specifically to minimize and/or treat these pollutants. Special Condition 6 requires the submittal of a final Water Quality Management Plan.

In order to address potential impacts from the eight person cooking school the Commission requires that the cooking school include grease traps and that such grease traps be regularly maintained so that the material does not enter the sewer system. Moreover, since plastics and Styrofoam are a major source of debris in the oceans, the condition limits the use of such materials.

The City of Los Angeles CUP addressed complaints of waste and litter on nearby streets from program participants. Condition 15 of the Conditional Use Permit requires the applicant to remove litter and waste from nearby streets once a day when the center is open. The City of Santa Monica required run-off filtration to be incorporated into the design of the two parking lots within its jurisdiction. The Commission imposes a similar requirement to assure that materials dropped in gutters and on sidewalk do not pollute nearby beaches or ocean waters.

Special Conditions 6 and 7 require measures to reduce long-term adverse effects on water quality from the development and operation of the center and its parking lots. Currently,

there is no filtration or treatment of runoff from the site. If the applicant conforms to the requirements of the special conditions, the proposed system will discharge lower volumes of less toxic waters to the ocean than it does now. In order to ensure that water quality is adequately protected, Special Condition No. 6 has been imposed, which requires submittal and implementation of a Final Water Quality Management Plan. As conditioned, the proposed project will be consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

F Prejudice to the Preparation of a Local Coastal Program

Section 30604 (a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The Commission has certified a Coastal land Use Plan for Venice, but has not certified a complete Local Coastal Program. Opponents in this case raise two issues first that the use that is approved is not one of the uses listed in the land use maps of the certified land use plan, or in the specific plan which is proposed to be submitted as the implementation ordinance. Second, they are concerned that granting exceptions to height limits and limits on lot consolidation found in the Land Use Plan and in the Specific Plan will undermine the application the standards to other development in the future.

Nonconforming land uses. The appellants argue that the certified LUP designates these lots as Medium Density Residential and the zoning of the lots is RD1.5. They further argue that there is no "Community Center", "Church", or "Institutional Use" envisioned in the certified LUP, and no provision in the certified LUP for allowing these uses as a conditional use.

In certifying the Land Use Plan, the Commission found that it was consistent with the Coastal Act. The lots subject to the present application are designated residential in the certified Land Use Plan even though the church and its ancillary schools and charitable institutions have long occupied them. The Land Use Plan does not provide for the expansion or the continuation of any existing nonprofit institutions on residentially designated lots anywhere in Venice. Other institutions such as the Vera Davis Center, the Venice Skills Center and a number of churches are also located on residentially designated lots. Opponents further argue that the Venice Specific Plan, which City officials have indicated will be the implementation ordinance for Venice, does not provide for other uses, approved as conditional uses.

The Commission has not yet not considered or certified the implementation program for Venice. In most LCPs, the provisions for conditional uses are developed as part of the

implementation ordinance. In nearby communities such as Rancho Palos Verdes, Redondo Beach and Marina del Rey, the land use designations are tempered in the implementation ordinance with a provision that allows community or visitor serving uses in residential zones based on a conditional use permit. In submitting the Specific Plan for implementation, the City has indicated that where the Venice Specific Plan is silent, the Municipal Code will prevail, including procedures such as issuing conditional use permits. The Municipal Code in Los Angeles, similar to that of many cities, stipulates that churches, non-profit community centers and private schools can be approved in residential zones with a conditional use permit. Approval of the church is not outside the scope of the zoning. The City indicates that throughout the City institutions are allowed as conditional uses in residential zones. In this case the City has issued a conditional use permit that approves the project and also attempts to reduce the conflicts between adjoining residential uses and the operation of the St. Joseph Center that were brought to the City officials' attention during the approval process. The Land Use Plan does not provide for the expansion or the continuation of any existing nonprofit institutions on residentially designated lots anywhere in Venice. The Commission finds that allowing an expansion of an existing church in a residential zone does not prejudice local government's ability to prepare an LCP, or establish a precedent that will bias the interpretation of the LCP when the City implements it.

Opponents further contend that the applicant's proposal is essentially an office building on residentially designated lots. They are concerned that the building could be sold to a third party as an office building, a use that is inconsistent with the LUP. Both the City and the Commission approve the building subject to conditions that the uses continue as proposed. The Commission has imposed a special condition requiring that any change of use require an amendment to the permit. The Coastal Act provides that the Executive Director shall reject an amendment that is inconsistent with the Commission's original intent in approving a permit. The Commission's approval of this structure as a non-profit charitable service and training program does not establish any right to use the building for any other purpose. The Executive Director would legally refuse to accept an amendment to convert the building as it is now proposed to an office, and require another proposal that is consistent with the LCP as a precondition to accepting an application to amend the permit.

The Coastal Act provision to avoid prejudicing the preparation of an LCP does not require the Commission to impose uniform land use designations on all areas of a neighborhood during the permit process. The requirement to plan does not forbid the inclusion of institutions, or other community serving land uses as part of the pattern of development of a community. Instead of imposing uniformity of use and protecting property values (as envisioned in the early years of the zoning movement), the Commission is responsible for protecting the coastline and its unique resources, some of which are communities.

Non-conforming structures. The opponents argue that the project will be a bad precedent for "grandfathering" existing non-conforming structures that are inconsistent with the LUP. They are concerned that approval of this structure will prejudice the interpretation and implementation of LCP standards addressing scale and in dealing with

nonconforming structures. The LUP sets clear limits on rebuilding non-conforming structures, requiring the new structure to conform to height and bulk standards if more than 50% of the previous structure is demolished. Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LUP, unless in its nonconformity it achieves a goal associated with community character (i.e. the reuse and renovation of a historic structure) or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LUP. The LUP policy that addresses nonconforming structures states:

→ **Policy I. E. 5. Nonconforming Structures.** Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is nonconforming or there is another nonconforming structure on the site, or a project is proposed that would greatly extend the life of a nonconforming structure or that eliminates the need for the nonconformity, the following shall apply:

Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP, unless in its nonconformity it achieves a goal associated with community character (i.e. the reuse and renovation of a historic structure or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP).

To the extent that exception to height and bulk standards are tied to either the functioning of the institution or to its ability to carry out a public purpose, such exceptions cannot prejudice the application of such standards to private commercial or residential structures, and hence not prejudice the development of the LCP. In this case, constructing three separate structures would reduce the applicant's ability to carry out its purpose, which is service to homeless and indigent residents of Venice, and would moreover result three large buildings along the street, and less open area within the project. The Commission notes that in this case, the height of the structure has been granted an exception due to topography, which would be applicable to any similarly situated development, and the lateral extent of the structure has been mitigated as described above by requiring significant gaps in the façade, installing significant landscaping and setting back the second story. While this approval does not prejudice the LCP, approving this project raises questions, such as the role of conditional uses and considerations for granting a conditional use permit that should be addressed in the final provisions of the LCP. The Commission finds that approving this project does not prejudice the City's ability to prepare an LCP that is consistent with the Coastal Act.

H. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there

are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

Project opponents have proposed alternatives that in their view would improve parking, reduce the height of the structure over the centerline of the street, and lessen the project's inconsistency with the development design standards of the certified Land Use Plan. During the City's consideration of this project, the City considered alternatives and modified the project in order to reduce the structure's impacts on views from the frontage road, Hampton Drive. However, the City did not incorporate other changes that the opponents believe should have been adopted.

1. Expanding the use at another site. Opponents proposed this alternative, indicating that as rents and housing becomes more expensive in this neighborhood, the program participants will no longer be able to walk to the facility. In their view this would reduce the cost of the facility and reduce travel to the facility.
2. Constructing several separate buildings at the site, thereby reducing the lateral extent of the proposed building. The applicant argued successfully at the City that this alternative is not feasible, and would result in more cluttering of the street façade.
3. Lowering the height to 30 feet above Hampton Drive, either by excavating the hill under the building or by lowering the height of the proposed structure to twenty feet above the existing grade. The applicant argues that this change is also not feasible because it would drastically reduce the square footage of the new building or, if the change were accomplished by excavating the hill, substantially increase the cost of the new structure. Moreover if this change were accomplished by lowering the level of the first floor by five to ten feet, it would change the relationship between the new structures and the two existing structures on the site. There would be a five to ten foot increase in the difference in the elevation of the church and convent entrances and the elevation of the St. Joseph Center entrances. Finally this alternative would require lowering the basement and loading zone under grade, requiring more area on the surface of the lot to be devoted to driveway ramps. This alternative is attractive because the applicant has to excavate to remove unsuitable fill. However, according to the applicant lowering the structure would change handicapped access from the Third Street parking lot, requiring a longer ramp, and would result in the loss of at least five parking spaces.
4. Excavating out the hill in order to construct a one- or two-level underground parking lot; constructing the structure above this lot, thus providing parking for the structure, and lowering the height of the structure Hampton Drive. This change, opponents argue, could be combined with breaking up the upper portions of the structure into two or three structures. The applicant argues that these changes are not feasible. This construction is not necessary to accommodate the uses now

proposed in this structure because the parking for the proposed uses can be accommodated within the existing surface lots.

While all the alternatives would reduce the apparent scale of the structure, none of them are necessary in order to bring the development into conformity with the Coastal Act. Further none of them could be accomplished within anything that approximates the anticipated construction budget of non-profit, charitable use. There are no other feasible alternatives or mitigation measures available, which will lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.